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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,805

11/20/2003

Lorenzo Parrini

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50659

7590

06/29/2006

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/717,805	Applicant(s) PARRINI, LORENZO	
	Examiner Stefan Kruer	Art Unit 3654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 - 15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


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Continuation of 3. NOTE: The limitation added to Claim 1 regarding the strands is an example of a new issue requiring further consideration and/or search .

Continuation of 11. does NOT place the application in condition for allowance because: The load-bearing fibers of De Angelis, comprise a first phase, are treated with an impregnating medium comprising a second phase, for purpose of protecting the fibers, whereby the bending fatigue strength of the combined fibers is increased, though at the expense of the tensile strength. Through impregnation, the fibers of his invention are saturated or infused with his reinforcing material, polyurethane, thereby introducing the reinforcing material into the fibers, which is empirically confirmed by the disclosed, resulting drop in modulus of elasticity of the impregnated fiber as a direct correlation to the percentage (10% - 60%) of polyurethane in suspension.

Oleson furthers this through the introduction of distinct "reinforcing elements having a high modulus of elasticity" as being "...staple fibers of glass, aramid or carbon..." by means of an "...intimate bond of the first thermoplastic plastic to the second thermoplastic plastic ..." resulting from a heating and extrusion process.

The intimate bonding is furthered by the displacement of the reinforcing elements towards the core string, whereby the reinforcing elements further the bonding between the familial materials of the sheath and core – and are ultimately introduced into the fibers of the core. This displacement enables the forces acting on the sleeve to be transmitted to the core string, which is in keeping with the inventor's intent of creating a "... composite body ...as an iron rod..." – a uniform component fiber of two (or more) phases.

Furthermore, La Nieve et al (5,437,899), as cited for reference in previous office actions, teach, "... polymers have been mixed with particulate matter and made into fibers..." (Col. 1, Line 54), whereby the particulate matter of their invention being "...an elemental metal or metal alloy, or may be nonmetallic..." (Col. 6, Line 14). La Nieve et al teach that such addition of particulate matter will enhance the flexural strength of the fiber, while reducing its tensile strength, whereby their inventive feature is the minimization of such consequential reduction in tensile strength.

In that the device of De Angelis as furthered by Oleson provides a sheathed, dual-phase composite fiber offering enhanced modulus of elasticity in either the radial or longitudinal direction, the instant claims remain unpatentable over the prior art of record.